

REMARKS

By the non-final *Office Action* of 14 October 2005, Claims 1-26 are pending in this Application, with all Claims being rejected. Applicant files this *Response* to move this case to allowance. Applicant respectfully submits that this case is allowable for the following reasons.

1. Information Disclosure Statement Submission

Applicant submitted an information disclosure statement ("IDS") submission prior to filing this response. The IDS submission contains both electronic and paper submissions. The electronic submissions were submitted on 5 December 2005 and the paper submissions were submitted on 8 December 2005. Applicant respectfully requests the Examiner to review the IDS submission when reviewing this response.

2. The Non-Statutory Double Patenting Rejection

The Examiner rejected Claims 1-26 under the judicially created doctrine of double patenting over Claims 1-13 of U.S. Patent No. 6,618,578. In response, Applicant submits a terminal disclaimer to overcome the non-statutory double patenting rejection.

By submitting the terminal disclaimer, Applicant does not concede that the Examiner's rejection is properly based. Applicant submits the terminal disclaimer solely to advance prosecution of the Application. Applicant also respectfully asserts that the filing of the terminal disclaimer does not act as an admission, acquiescence, or estoppel on the merits of obviousness-type double patenting rejection asserted by the Examiner. Applicant also reserves the right to submit claims of broader scope or of similar scope as originally filed in a continuation application.

3. Fees

Applicant believes no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application. Also, this *Response* is being filed within three months of the 14 October 2005 Office Action, thus no extension of time fees are believed due.


Applicant, however, encloses a statutory terminal disclaimer and authorizes the Commissioner to charge the small-entity disclaimer fee (\$65) to Deposit Account 20-1507. No other fees are believed due. Authorization to charge Deposit Account No. 20-1507, however, is given should additional fees be due.

CONCLUSION

By the present Response and Amendment, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any questions or reservations, the Examiner is invited to telephone the undersigned Attorney, Hunter Yancey, at 404.885.3696.

Respectfully submitted,

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